

107TH CONGRESS  
2D SESSION

# H. R. 5176

To provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2002

Mr. GIBBONS (for himself and Mr. CANNON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Veterans’ Heritage  
5       Firearms Act of 2002”.

1 **SEC. 2. AMNESTY PERIOD FOR VETERANS TO REGISTER**  
2 **QUALIFYING FIREARMS.**

3 (a) REGISTRATION.—Subject to such regulations as  
4 the Secretary may prescribe, the applicable veteran or a  
5 member of such a veteran’s family, who owns and pos-  
6 sesses a qualifying firearm, may register such firearm in  
7 the National Firearms Registration and Transfer Record  
8 (described in section 5841 of the Internal Revenue Code  
9 of 1986) during the amnesty period.

10 (b) QUALIFYING FIREARM.—

11 (1) IN GENERAL.—For purposes of this section,  
12 the term “qualifying firearm” means any firearm  
13 which was acquired—

14 (A) before October 31, 1968; and

15 (B) by a veteran, while such veteran was  
16 a member of the Armed Forces and was sta-  
17 tioned outside the continental United States.

18 (2) PRESUMPTION OF VALIDITY.—With respect  
19 to any firearm, in the absence of clear and con-  
20 vincing evidence to the contrary—

21 (A) the Secretary shall accept as true and  
22 accurate any affidavit, document, or other evi-  
23 dence submitted by an individual to establish  
24 that such firearm meets the requirements of  
25 paragraph (1); and

1 (B) the requirement of paragraph (1)(C)  
 2 shall be treated as met.

3 (c) HEARINGS.—If the Secretary determines that any  
 4 individual may not register a firearm under subsection (a)  
 5 during the amnesty period, the Secretary, upon the re-  
 6 quest of such individual, shall—

7 (1) provide such individual any evidence on  
 8 which the Secretary's decision is based; and

9 (2) promptly hold a hearing to review such de-  
 10 termination.

11 (d) LIMITED IMMUNITY.—

12 (1) CRIMINAL LIABILITY UNDER TITLE 18.—

13 Any individual who registers a firearm under sub-  
 14 section (a)—

15 (A) shall be treated, for purposes of sub-  
 16 sections (a)(3), (o), (v), and (w) of section 922  
 17 of title 18, United States Code, as having law-  
 18 fully acquired and possessed the firearm before  
 19 the date of the enactment of chapter 44 of such  
 20 title and each of such chapter's provisions; and

21 (B) shall not be liable under chapter 44 of  
 22 title 18, United States Code, for any violation  
 23 of such chapter which—

24 (i) is based solely on such individual's  
 25 ownership, possession, transportation, im-

portation, or alteration of such firearm;

and

(ii) occurred before or concurrent with  
such registration.

(2) CRIMINAL LIABILITY UNDER INTERNAL  
REVENUE CODE.—Except as provided in paragraph  
(3), any individual who registers a firearm under  
subsection (a) shall not be liable under chapter 53  
or 75 of the Internal Revenue Code of 1986 for any  
violation of such chapters which relates to such fire-  
arm and which occurred before or concurrent with  
such registration.

(3) TRANSFER TAX LIABILITY.—Paragraph (2)  
shall not affect the liability of any individual for any  
transfer tax imposed under section 5811 of the In-  
ternal Revenue Code of 1986.

(e) FORFEITURE.—Any firearm registered under  
subsection (a) shall not be subject to seizure or forfeiture  
under chapter 53 or 75 of the Internal Revenue Code or  
chapter 44 of title 18, United States Code, for any viola-  
tion of such chapters which relates to such firearm and  
which occurred before or concurrent with such registra-  
tion.

(f) DEFINITIONS.—For purposes of this section:

1           (1) AMNESTY PERIOD.—The term “amnesty pe-  
2           riod” means the 90-day period beginning on the date  
3           that is 90 days after the date of the enactment of  
4           this Act.

5           (2) FIREARM.—The term “firearm” has the  
6           meaning given such term in section 5845 of the In-  
7           ternal Revenue Code of 1986, except that such term  
8           does not include—

9                   (A) any device described in subsection  
10                  (f)(1) of such section; or

11                  (B) any combination of parts—

12                          (i) designed or intended for use in  
13                          converting any device into a device de-  
14                          scribed in subparagraph (A); or

15                          (ii) from which a device described in  
16                          subparagraph (A) may be readily assem-  
17                          bled.

18           (3) APPLICABLE VETERAN.—With respect to  
19           any firearm, the term “applicable veteran” means  
20           the veteran described in subsection (b)(1)(B).

21           (4) VETERAN.—The term “veteran” has the  
22           meaning given such term in section 101(2) of title  
23           38, United States Code.

24           (5) FAMILY.—The term “family” means, with  
25           respect to a veteran, the grandparents of such vet-

1       eran, the grandparents of such veteran’s spouse, the  
2       lineal descendants of such grandparents, and any  
3       spouse of such a lineal descendant. A spouse of an  
4       individual who is legally separated from such indi-  
5       vidual under a decree of divorce or separate mainte-  
6       nance shall be treated as such individual’s spouse for  
7       purposes of this paragraph. Individuals related by  
8       the half blood or by legal adoption shall be treated  
9       as if they were related by the whole blood for pur-  
10      poses of this paragraph.

11           (6) CONTINENTAL UNITED STATES.—The term  
12      “continental United States” means the several  
13      States and the District of Columbia, but does not in-  
14      clude Alaska or Hawaii.

15           (7) SECRETARY.—The term “Secretary” means  
16      the Secretary of the Treasury.

17   **SEC. 3. TRANSFER OF MACHINEGUNS TO MUSEUMS.**

18      Section 922(o)(2) of title 18, United States Code, is  
19   amended—

20           (1) in subparagraph (A), by striking “or” at  
21      the end;

22           (2) by redesignating subparagraph (B) as sub-  
23      paragraph (C); and

24           (3) by inserting after subparagraph (A) the fol-  
25      lowing new subparagraph:

1           “(B) a transfer to or by, or possession by, a  
2       museum which is open to the public and incor-  
3       porated as a not-for-profit corporation under appli-  
4       cable State law; or”.

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